

Background

The successful delivery of transportation projects is only achieved through an effective partnership between the Department of Transportation and Development (DOTD) and local public agencies (LPA). DOTD has and will continue to develop programs and processes that provide local governments the necessary tools to successfully deliver transportation projects so federal and state stewardship and oversight obligations can be met and projects can be implemented in the most efficient and effective manner possible.

APPLICABILITY

This manual is applicable to any LPA-sponsored project receiving either federal aid or state funding through DOTD. The project contracts are executed between the **sponsoring entity** and the contractor/consultant. **THESE ARE COST REIMBURSABLE PROJECTS.** (*Exception:* The Off-System Bridge Replacement (OSBR) project contracts are executed and managed by DOTD and are matched directly by DOTD with Parish Transportation Funds).

Many of the legal requirements that local governments must meet for transportation projects funded through DOTD programs are no different than requirements the local governments would need to meet for any other state funded capital outlay project.

AUTHORITY

Federal law authorizes state transportation departments to enter into Entity-State Agreements with LPAs to administer federal-aid projects provided certain criteria are met. Any LPA that chooses to take advantage of this opportunity must adhere to applicable state and federal laws.

BACKGROUND – FEDERAL FUNDS

Section §1904 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (2005) requires that the states be fiscally responsible for the sub-recipients' (LPA's) proper expenditure of federal aid funds. DOTD is responsible to ensure that the federal transportation funds are properly obligated, authorized and utilized. (Federal authorization is when FHWA officially approves the project and establishes the funding for the project in the federal financial system.) For all projects, including LPA projects, this responsibility extends from the programming of the funds through project completion and closeout.

With the exception of the Off-System Bridge Replacement (OSBR) Program where the design and construction inspection is administered by DOTD, the LPAs are responsible for all aspects of design and, unless otherwise established in the Entity-State

Agreement, responsible for providing construction inspection to DOTD's standards to ensure that the project is constructed in accordance with the contract documents and specifications. Federal funds may be used to fund the design and construction inspection, but the contracts must be advertised and selected through the DOTD [Consultant Contract Services process](#) (unless the LPA has a federally approved selection process). This cannot be done until the project is authorized by FHWA.

The LPA sponsored projects must be compliant with all applicable federal and state requirements. Non-compliance can result in partial or complete withdrawal of federal participation in the project. In the event of the LPA's noncompliance with applicable requirements, DOTD may impose such contract sanctions as it, or the Federal Highway Administration (FHWA), may determine to be appropriate, including but not limited to withholding of payments to the LPA until the LPA complies; and/or cancellation, termination or suspension of the Entity-State Agreement, in whole or in part. Where reimbursements have been made, FHWA has the authority to seek repayment from DOTD for non-compliance. DOTD has the authority to seek repayment if the LPA's non-compliance is not resolved.

GENERAL EXPECTATIONS/OBLIGATIONS

DOTD has responsibility for assuring that federal funds are properly utilized throughout project development and delivery. DOTD also assists the LPAs so that they are successful in their implementation of transportation and public works projects.

Some of the major DOTD federal-aid oversight activities include:

- Project programming (Verify Funding/Agreement)
- Phase approvals (Project Development, Right of Way and Construction) (A request for approval must be made by the LPA to the project manager prior to beginning a phase. The LPA project manager will obtain authorization from the FHWA and will send a Notice to Proceed (NTP) notification letter to the LPA)
- National Environmental Policy Act (NEPA) studies and approvals
- Consultant procurement (Request for Proposal (RFPs), etc.), as necessary
- Design review at key milestones
- Design exception approval (*Exception: Off-System Bridge Replacement (OSBR) – **Sponsoring entity** approves for [Rural Local \(RL\) roadway classifications](#) (http://www.dotd.la.gov/highways/project_devel/design/road_design/Memoranda/English_Design_Guidelines.pdf); RL-1 and RL-2 roadways and recommends for approval for RL-3 roadways)*)
- Right of Way Certification after the sponsoring entity has acquired the right-of-way per federal and state requirements
- Plans Specifications and Estimates Approval - Bid package review/award

- Civil Rights monitoring and Disadvantaged Business Enterprise (DBE) goal setting
- Construction administration reviews to ensure the **sponsoring entity** or their consultant is properly documenting the construction of the project.
- Project acceptance/financial closeout

GENERAL LPA EXPECTATIONS

LPAs must maintain administrative records of project development and delivery activities that sufficiently demonstrate compliance with federal requirements i.e. quantities of materials delivered, used and rejected, records supporting pay quantities, compliance with the American with Disabilities Act (ADA), staffing and inspector qualifications, inspection records, etc. These records must be maintained and available for review by FHWA or DOTD for a minimum of five years after final financial closeout of the project. The following list includes some of the obligations that an LPA must meet:

- Perform adequate project scoping to accurately define the project (*Exception: OSBR – **Sponsoring entity** chooses projects from priority list*)
- Preparation of National Environmental Policy Act (NEPA) documents (*depends on program; DOTD may perform this for some programs*)
- Public involvement during the NEPA process as well as other phases of the project, as appropriate
- Project design (*in part or whole depends on the program*)
- Design Quality Control/Quality Assurance (QC/QA) (*in part or whole depends on the program*)
- Obtain Permits (*Federal Aviation Administration (FAA), Scenic River, wetlands, bridge, etc*) which may require fees and/or mitigation at the LPA's expense
- Right of way acquisition
- Utility Agreements
- Preparation of bid documents (*in part or whole depends on the program*)
- Construction management (*depends on the program*)
- Project acceptance (*depends on the program*)
- Financial controls/invoicing (*depends on the program*)

The LPA Project Management Representative's Expectations

The LPA's representative is responsible for ensuring that project specifications and all federal and state regulations applicable to highway construction projects are met. The LPA's representative must have the responsibility, authority and resources to effectively manage the project and will serve as the LPA contact for all issues. The representative

must be actively engaged and familiar with project progress and make final decisions on project development and delivery. The representative must follow the inspection requirements set forth by the DOTD construction contract administration manual during project construction. Generally the LPA and/or their representative are responsible for:

- Completion of the Federal application for funding allocation to Louisiana (if required by the program).
- Coordination of Entity-State Agreement Review/Signature
- Stage 0, Feasibility Report
- Stage 1, NEPA documents
- Right-of -Way Acquisition per state and federal requirements
- Utility Agreements and Utility Certification Letter
- Confirmation of Funding Availability/ Authorization of different phases of the project
- Consultant Contract Administration
- Assurance of Timely Submittals to DOTD Project Coordinator
- Assurance of LPA Project Progress and Flow
- Assurance of Adequate Construction Inspection
- Assurance of Compliance with Civil Rights, Environmental, Materials Acceptance Requirements (*DOTD district personnel and/or the Consultant Construction Contract Administrator*)
- Local Approval of Change Orders (*depends on the program*)
- Reimbursement Requests/Documentation

The LPA may utilize a contract employee to manage day-to-day progress of the project.

The DOTD Project Manager Expectations

DOTD will assign a project manager (PM) to work with the LPA and to provide guidance, as needed, for all aspects of project development. However, the PM is not responsible for specific project administration, and the LPA must not expect the PM to provide quality control for their consultant's work. The PM will be the LPA's liaison with DOTD staff having an approval, review or advisory role for the project. It is essential that adequate communication and coordination between the LPA and the PM be maintained. Unless otherwise indicated all communication to DOTD support and review staff must be coordinated with, or through, the DOTD Project Manager.

General activities the PM is responsible for include:

- Provide the LPA with applicable guidance materials, forms, checklists
- Receive all submittals from LPA and coordinate DOTD review
- Provide feedback to LPA on all submittals
- Provide guidance as issues are identified
- Monitor LPA schedule to ensure federal obligations can be met
- Act as liaison between LPA project manager and DOTD technical staff

The DOTD District Construction Coordinator Expectations

The DOTD will assign a project engineer from its District Office to serve as a district construction coordinator (DCC) for the DOTD during project construction. The District Construction Coordinator (DCC) assumes the role as DOTD's project coordinator once the project has been awarded and proceeds to construction. The DCC provides the required DOTD oversight for the construction project and is a resource to the LPA project manager. The DCC is familiar with a wide range of construction activities and will be the single point of contact for all DOTD site visits and project reviews during construction. No other DOTD staff performs construction inspections without the prior knowledge of the DCC. This allows the DCC to be on site and facilitate the inspection.

The DCC's primary role is to oversee the LPA's construction contract's project manager. The LPA PM's responsibility is to ensure the contractor conforms with project specifications and specific legal or regulatory requirements through periodic project reviews. The DCC is expected to use his/her professional judgment to determine which aspects of the project should be evaluated during each review. The DCC is responsible for providing a general level of oversight during the construction process. The DCC is not responsible or accountable for actions/inactions of the LPA or their contractor. Throughout construction the DCC may enlist the support of other DOTD staff to assist in the oversight of the locally administered projects, as needed. A few of the DCC's oversight duties will include:

- Attend preconstruction/progress meetings
- Periodic review of project documentation
- Verify materials acceptance procedures
- Periodic spot inspection of work (does not substitute for LPA Construction Engineering Inspection)
- Review/approval of reimbursement requests
- Participate in work/change orders as appropriate
- Participate in final project inspection

Projects on State Routes

For a LPA sponsored project selected on a **state route** the procedures from above **may** change. DOTD **may** choose to perform the following activities.

- Preparation of Feasibility Reports
- Project design (*in part or whole depends on the program*)
- Design QC/QA
- Public participation
- Right of Way Acquisition
- Utility Agreement
- Preparation of bid documents
- Construction management/Construction Inspection
- Project acceptance
- Obtain permits and the required mitigation
- Financial controls

To ensure that clear expectations have been communicated, the DOTD will document in the Entity-State Agreement the activities they will perform from the list above.